G. R. S. 58]

Previous references.

File No. 3D – 10

Serial Nos. 1–2

19 10.

(Legis)

Later references.

GENERAL AND REVENUE SECRETARIAT.

(8)

Serial Nos. 1–2

Part B for June 14-

SUBJECT.

Amendment of Sec 150 the Indian Penal Code

Table of Contents

1 No 6905 41 dt 20-1-11 from the D.G. of Police
Requests that Sec 75 may be amended so that State tribunals may take Cognisance of previous convictions by British Cts.

2. D.O. No 3521 dt 26-6-14, to the D.G.P.
Informs that Govt do not contemplate taking action in the matter suggested by him

GPB—5,000—22-10-10

G.R.S. 11] 1910-11

GENERAL AND REVENUE SECRETARIAT

(Legis)

NOTES.

File No. 30-10

File Heading. Amendment of the Indian Penal code Section 75

From The Inspector General of Police in Mysore, Bangalore

No. 4905/415 Dated 20-Jan. 1911 Received 21/1/11

Diary No. 1875 | Enclos. / | Spare Copies | Serial No. /

Brief Abstract of Letter.

Requesting that section 75 of the Indian Penal code might be amended so as to enable the Mysore courts to recognise previous convictions in the courts in British India

NOTES AND ORDERS.

H S

Sd. The amendment has been made in B. India by Act III of 1910. If approved a draft of the bill making the necessary amendments in the Penal Code as in force in Mysore will be prepared. Sd. for orders. with the B. Indian

Notes—First sheet.

GPB—15,000—24-4-09

Serial No.

Bill Statement of Objects and Reasons therefor

DKS 1/28
4/2/11
SN(11)

It is to be found that this reference has been made under a misapprehension. The amendment made in British India does not authorise the Courts there to recognise for the purposes of Sec 7 Convictions by Criminal Courts in Native States. It only allows the recognition of ~~Sentences~~ Convictions by Criminal Courts "in the territories of any Native Prince or State in India acting under the Penal or Special authority of the Governor-General in Council or of any Local Government" The words underlined in red ink constitute an important qualification and restrict the application of the Section to British Courts situate within the limits of a Native State E.g. the Criminal Courts of the C & M Stns. The judgments of the Courts deriving authority from the Rulers of Native States have not been recognised and it is a question whether we need amend the Act Code as proposed without securing reciprocity in the matter.

NOTE— Contn. sheet

GPB—50,000—12-8-10

Serial No.

Our Criminal Courts are as effectu manned as those in B India and there is no reason why we Should move in the matter if we Can not secure a reciprocal arrangement.

As to the merits of the proposal it may be stated that Cases where habitual offenders escape adequate punishment on account of the want of a provision of the kind now proposed must be Comparatively very few and it is for Consideration whether necessity exists at all for making any amending the Law

15/2/11.

Sec'y I do not think we need lay emphasis on reciprocity in this Case. It is to our advantage that criminals from British India who Commit offences here are adequately punished by our Courts having regard to their previous career of crime. We

NOTE:—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

in Mysore or in British India.

6 At present the wording of the section stands in the way of previous convictions in British India being proved against the man. Quite irrespective of any considerations of reciprocity we may amend our code so as to take cognizance of all previous convictions in Courts in British India.

8/ If approved an amending regulation will be drafted.

1st Cr + 2nd Cr & Devan

CBB 11/4/11

11/4/11

6) It would be a right move to amend our Penal Code so as to make previous convictions in British India recognizable for purposes of sec 75 I.P.C. Habitual Criminals by their trade in native States as well as in British India and

2670/12-4-11.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. S. 12]
General and Revenue
Secretariat.

1922 File No. 80 of 1911

Serial No.

a provision of law like the one proposed would enable the Bihar to have deterrent punishment inflicted on habitual offenders irrespective of geographical limits. We need not raise the question of reciprocity.

H.M.R
12/4/11

1922
(2nd W)

These have been put up in the file
MS
1944

Let me see the Objects & reasons & discussions in Council Concerning this provn please.

St
12/4/11

15/4/11

It is very exceptional for one State to recognise the Criminal Sentences of another State, and I think that such a practice should not be introduced unless the necessity therefor is very

Wharton's Conflict of Laws. P. 1648.

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Serial No.

unmistakably made out. We did not feel the necessity for such alteration of the law before we saw this act in Br. India, and the I.G. of Police did not make any such representation. The Br. ~~Govt~~ Govt has not felt the necessity of recognising the sentences of State Courts. The I.G. of Police has mistaken the purview of the new amendment in British India. The case of Berars & Central ~~Ind~~ Provinces is not at all analogous. Bera & all tracts like these C & M. Stations are virtually part (though not legally) of Br. India & all Courts are constituted &

Serial No.

and Judges appointed by the Governor General's authority.

11- I am therefore averse to amending the law as proposed.

17/4/11

Dewan

CSB
18/4/11

SA
18/4/11.

11154
19.4.11

A DA may see
Contents Dy I explain.
-ing the scope of the Act Indian Act & says that no action is contemplated in the way suggested by them

Dy 19/4/11

Put up D.O.

CSB
1/6/11

SA
1/6/11

Leg Secretary
1/6/11

Submitted with a D.O.

Issue
CSB
9/6/11

SA
9/6/11

9/6/11 SW

15/6/11

Note—Contn. sheet.

GPB—50.000—12-8-10

G. R. S. 12]
General and Revenue
Secretariat.

Legis File No. 30 of 1910 - 11

Serial No.	
2	D.O. No. J. 55-21 dated 26/6/11
	do I.G.S.P. Police in Mysore
	Informs that Govt do not contemplate
	taking action as suggested by him.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Legis 30 f, 1910-11

J 1875

19

FROM

The Inspector-General of
Police in Mysore.

To

The Secretary to the Govt. of
H. H. the Maharaja of Mysore,
Gen. & Rev. Depts.

Dated

Despatched 20th January 1911

Received

General No. 4905

No. 415

Enclosure No. one

Requesting his amendment of
Sec 75 of the D.P.C Code to enable
the Mysore Courts to recognise
previous convictions in the Courts
in British India.

No. 4905 Encl: one
415

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE.

Dated Bangalore, 20th January 1910.

From D. Devaraj Urs Esquire,
Inspector-General of Police in Mysore.

To C. S. Balasundaram Iyer Esq., B.A.,
Offg. Secretary to the Government of H. H. the Maharaja of Mysore,
General and Revenue Departments.

Sir,

I have the honour to state that it is seen from the Supplement to the Madras Police Gazette dated 19th November 1910, herein enclosed, that section 75 of the Indian Penal Code has been amended so as to enable the Courts in British India to recognize previous convictions by the Courts of Native States. In the interests of justice, it is considered necessary that previous convictions by the Courts in British India should be recognized by the Courts in this Province. As there is no provision of law at present, I request that you will be so good as to move Government for the necessary amendment of section 75 I.P.C.

I have the honour to be,
Sir,
Your most obedient servant,

Mlakshmandas?

For Inspector-General of Police.

A.S.
19/1

G.R.S. 26]

Legis File No. 30-10

Serial No.

No. 135-21

Diary No. of letter replied to 1875

General and Revenue Secretariat

(Legis)

the 19

Date of issue 26-6-1941

Signed by

Mistake in the 2nd's letter is a mistake — Section 188 on the docket and the Section 196 in the Secretariat receipt

To

Dear Sir

With reference to your letter No 4905/415 dated 20th Jan: 1940 regarding the amendment of Sec: 75 of the I.P.C. I am desired to inform you that the amendment made by the Govt of India does not authorise the courts in British India to recognise convictions by all Criminal Courts in Native

over.

SUBJECT.

States but only to recognise convictions by criminal courts established or continued under the authority of the Governor General of India in Council but situate within the territories of any Native Prince or State as for example the criminal courts in the C & M. Station Bangalore ~~and that~~ In these circumstances, ~~therefore the~~ Govt. do not contemplate ~~to amend~~ ~~this~~ taking the action as suggested by you in the letter. The enclosure to your letter is herewith returned.

Yours sincerely

CSB
Offg Secretary to Govt

To

S. Devaraj Urs Esqr
Inspector-General of Education
in Mysore Bangalore

9/11

List of enclosures,

Copied by mgr 23-6-11

Examined by SN

GPB—20,000—26-9-10